

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 7, 2002

RESPONSIBLE STAFF:

Jennifer Russel

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	9/18/02
	9/25/02
Hearing Date	10/07/02
Record Held Open	
Policy Discussion	

TITLE:

T-355 - Ordinance to Amend Chapter 24 of The City Code (City Zoning Ordinance), Art. I Entitled "In General," §24-1 to Redefine Dwelling, Multiple-Family, And Classify Same by Organizational Type; Art. III Entitled "Regulations Applicable To Particular Zones," Div. 4 Entitled "RP-T Zone, Medium Density Residential," §24-43 "Permitted Uses," Div. 5 Entitled "R-20, Medium Density Residential," §24-56 "Uses Permitted by Right," Div. 6 Entitled "R-18 Zone, Medium Density Planned Residential," §24-66 "Permitted Uses," Div. 7 Entitled (R-H Zone, High Density Residential," §24-75 "Permitted Uses," so as to Permit by Right Multiple-Family Dwellings by Defined Classification and Further to Enact New §24-1.1 Entitled "Rules of Interpretation, Definitions and Substantive Provisions" to Provide Consistency and Clarity in Defining the Use of Terms in Chapter 24.

SUPPORTING BACKGROUND:

This is a housekeeping text amendment to the zoning ordinance that seeks to differentiate between multiple-family units which are condominium in nature versus those that are not organized under the condominium regime and are most typically referred to as rental apartments. A change to the definition section of the zoning ordinance will clarify the difference and language is added to appropriate parts of the zoning ordinance (RP-T zone, R-20 zone, R-18 zone and R-H zone).

The amendment also adds language to the zoning ordinance to clarify that all language references to various versions of multi-family dwellings shall mean either condominium or rental. This section (24-21.1), also clarifies that in a master plan, special condition for a master plan or any condition of approval, if a specific type of multifamily dwelling is noted, then the meaning of the use shall stand as restricted or written in the text of that document rather than referring back to the language in the zoning ordinance.

DESIRED OUTCOME:

Planning Commission to hold record open 8 days.
Mayor and Council to hold record open 15 days.



ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE ("CITY ZONING ORDINANCE"), ARTICLE I, ENTITLED "IN GENERAL", SECTION 24-1 TO REDEFINE DWELLING, MULTIPLE - FAMILY AND CLASSIFY SAME BY ORGANIZATIONAL TYPE; ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES", DIVISION 4. ENTITLED RPT-ZONE, MEDIUM DENSITY RESIDENTIAL, SECTION 24-43 "PERMITTED USES", DIVISION 5. ENTITLED "R-20 ZONE, MEDIUM DENSITY RESIDENTIAL", SECTION 24-56 "USES PERMITTED BY RIGHT", DIVISION 6. ENTITLED "R-18 ZONE, MEDIUM DENSITY PLANNED RESIDENTIAL " SECTION 24-66 "PERMITTED USES", DIVISION 7. ENTITLED "R-H ZONE, HIGH DENSITY RESIDENTIAL, SECTION 24-75 "PERMITTED USES" SO AS TO PERMIT BY RIGHT MULTIPLE FAMILY DWELLINGS BY DEFINED CLASSIFICATION AND FURTHER TO ENACT NEW SECTION 24-1.1 ENTITLED "RULES OF INTERPRETATION, DEFINITIONS AND SUBSTANTIVE PROVISIONS" TO PROVIDE CONSISTENCY AND CLARITY IN DEFINING THE USE OF TERMS IN CHAPTER 24.

Text Amendment _____

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance), Article I, Section 24-1 and Article III, Sections 24-43, 24-56, 24-66 and 24-75 are hereby amended and new Section 24-1.1 is hereby enacted all to read as follows:

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * * * *

Dwelling, Multiple family, Condominium. A [residence] building designed for or occupied for residential purposes by three (3) or more families with separate housekeeping and cooking facilities for each [.] organized, created and subject to a condominium regime under the "Maryland Condominium Act." Title 11, Real Property Article, Maryland Code Annotated.

Dwelling, Multiple family. A building designed for or occupied for residential purposed by three (3) or more families with separate housekeeping and cooking facilities for

each which is not organized, created and subject to a condominium regime under the "Maryland Condominium Act", Title 11, Real Property Article, Maryland Code Annotated.

Dwelling, Multiple - group. A group of two or more multiple family dwellings or multiple family condominium dwellings or any combination of the same, occupying a parcel of land [in one ownership and having any yard or compound or service area in common].

* * * * *

Sec. 24-1.1. Rules of Interpretation, Definitions and Substantive Provisions

- (A) Whenever in this Chapter 24 the terms "dwelling, multiple-family", "multi-family dwellings", "multiple-family dwellings", "multiple-family apartments", "multi-family housing units", "multi-family residential units", "multi-family residential structures" or "multi-family" appears those terms shall mean either "dwelling, multiple family, condominium" or "dwelling, multiple family" as defined in Section 24-1 of this Chapter, except where in any master plan, special condition contained in a master plan or in a condition of approval in any zoning, subdivision, site plan or other regulatory review or application for the same, a use is specifically designated, indicated or specified to be either a "dwelling, multi-family, condominium" or "dwelling, multi-family", then the meaning and application to said use shall be restricted as written or stated.
- (B) In this Chapter, words in the present tense include the future; the singular number includes the plural number and the plural the singular; and the words "shall" or "must" are mandatory and not optional.

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ARTICLE III. REGULATION APPLICABLE TO PARTICULAR ZONES.

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DIVISION 4. RPT ZONE, MEDIUM DENSITY RESIDENTIAL

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Sec. 24-43. Permitted uses.

The following uses shall be permitted.

- (1) Dwellings [.] including single family attached and detached, two family, semi

detached, multiple family and multiple family condominium dwellings.

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DIVISION 5. R-20 ZONE, MEDIUM DENSITY RESIDENTIAL

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Sec. 24-56. Uses permitted by right.

The following uses are permitted by right in the R-20 Zone:

* * * * *

- (2) Two family dwellings [and], multiple-family and multiple family condominium dwellings.

* * * * *

DIVISION 6. R-18 ZONE, MEDIUM DENSITY PLANNED-RESIDENTIAL.

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Sec. 24-66. Permitted uses.

The following uses shall be permitted in the R-18 Zone:

- (1) Multiple-family and multiple family condominium dwellings.

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DIVISION 7. R-H ZONE, HIGH DENSITY RESIDENTIAL

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Sec. 24-75. Permitted uses.

The following uses shall be permitted in the R-H Zone:

* * * * *

- (2) Multiple-family and multiple family condominium dwellings.

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Adopted this _____ day of _____, 2002 by the City Council of Gaithersburg, Maryland.

Delivered to the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002.

Approved by the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002.

SIDNEY KATZ, Mayor
and President of the City Council

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2002 and the same was approved by the Mayor of the City of Gaithersburg on the _____ day of _____, 2002. This Ordinance will become effective on the _____ day of _____, 2002.

DAVID B. HUMPTON, City Manager

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